



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

903 WRIT PETITION NO. 8137 OF 2025

USHA ASHOK DAVLI

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Mahendra Gandle h/for Mr. Salunke Sudarshan J, Advocate for
Petitioner

Mr. D. R. Korade, AGP for Respondents-State

Mr. Sarvesh J. Naik, Advocate for Respondent No.5

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 18.07.2025

PER COURT :-

1. Heard learned Advocates appearing for respective parties.
2. Issue notice to respondents. Learned AGP waives notice for respondent Nos.1 to 3. Mr. Naik waives notice for respondent No.5.
3. The petitioner impugns order of disqualification passed under Section 14 (1)(J), 3 & 5 of Maharashtra Village Panchayat Act.
4. The perusal of impugned order shows that petitioner is alleged to have encroached upon Government land only on the basis of panchanama drawn in presence of villagers. There are no measurements of property, nor any authenticate record indicating area of encroachment or excess construction made by petitioner that extend to Government land. Learned Collector appears to have arrived at conclusion regarding encroachment made by petitioner only on the basis of panchanama and subsequent notice issued by Irrigation Department to husband of

petitioner. *Prima facie*, evidence does not appear to be conclusive to establish fact of encroachment. In that view of the matter, order of disqualification ought to have been stay till final decision of Appeal pending before learned Divisional Commissioner.

5. In view of above, writ petition is **allowed** in terms of prayer clauses 'B' and 'C'.

6. The learned Divisional Commissioner shall endeavour to decide pending Appeal as expeditiously as possible within a period of six (06) weeks from today. The observations made herein above are based on *prima facie* look at material placed before this Court, hence learned Divisional Commissioner shall take final decision without influenced by such observations.

[S. G. CHAPALGAONKAR, J.]